

Victims Compensation Quarterly

Dedicated to Providing Compassionate Services to our Constituents

NEW LEGISLATION IMPACTS VICTIMS OF CRIME

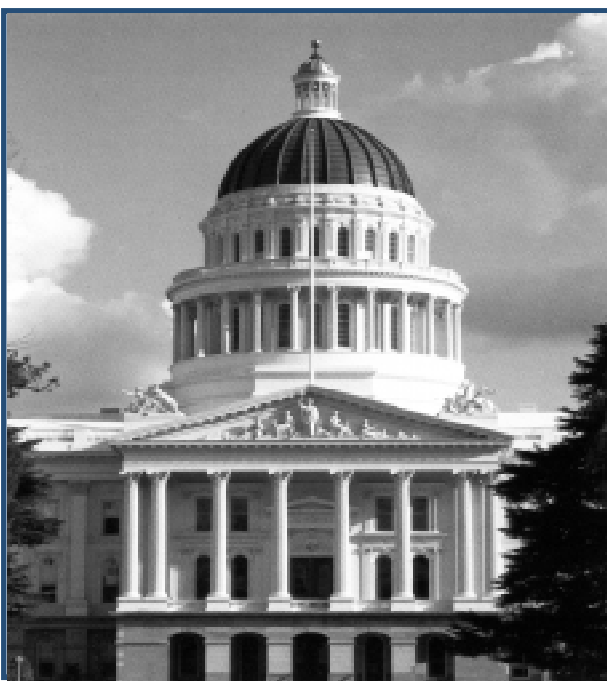
A bill authored by Assembly Member **Jackson (AB 606)** and signed by Governor **Gray Davis** resulted in changes to the statutes affecting the Victims of Crime Program. The following changes will become effective on January 1, 2000.

Category of Eligible Providers

Requires the Board, until January 1, 2004, to conduct a pilot program to provide reimbursement for grief, mourning and bereavement services that are provided by an individual who is certified as a **Child Life Specialist**, and to report to the Legislature by January 31, 2003, on this pilot program.

Domestic Violence Victims

Authorizes a cash payment or reimbursement to an adult victim of domestic violence for specified expenses incurred in relocating, not to exceed \$2,000, if the



expenses are determined by law enforcement to be necessary for the personal safety of the victim, or by a mental health provider, as necessary for the emotional well-being of the victim. These expenses may include, but need not be limited to, all of the following:

- Deposits for utilities and telephone service;
- Deposits for rental housing, not to exceed the first and

last months rent, or \$2,000, whichever is less;

- Temporary lodging and food expenses, not to exceed \$1,000;
- Clothing and other personal items, not to exceed \$500.

The cash payment or reimbursement shall only be awarded once to any victim, except that the Board may award a second cash payment or reimbursement to the same victim if both of the following conditions are met:

- The crime or series of crimes occurs more than three years from the date of the crime giving rise to the initial relocation payment or reimbursement;
- The crime does not involve the same perpetrator.

When a relocation payment or reimbursement is provided to a victim of domestic violence, the victim must agree not to inform

Continued on Page 4

NON-PROFIT AGREEMENTS EXPANDED

In July 1994, the State Board of Control (Board) established agreements with qualified non-profit mental health providers to expedite payment of mental health expenses for children and their families who are eligible to receive benefits from the Victims of Crime Program (VOCP).

These agreements were established pursuant to Government Code Section 13965.3 that provides for a simplified and expedited procedure for payment of mental health expenses.

Currently, providers with Non-Profit Agreements (NPA's) who subject their billings to audit procedures established by the Board can submit bills to the VOCP in a batch-billing format on a monthly basis.

The bills are processed

under a pre-authorized payment system whereby anticipated future mental health expenses are pre-approved subject to specified criteria. All billings submitted by NPA providers are processed by specific staff within the VOCP to ensure each provider has a "single point of contact" who can answer questions and provide assistance. The NPA's represent a streamlined payment process and have improved the working relationships between mental health providers and the VOCP.

The VOCP's staff recently created an interactive CD-ROM tutorial for providers that explains the billing process in detail.

Due to the success of the NPA's, the Board has expanded this program to include additional non-profit

agencies that were not a part of the original implementation.



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GRAY DAVIS
Governor

Published by:
State Board of Control
630 K Street, 2nd Floor, Sacramento, Ca 95814
Phone (916) 322-0685
Toll Free for Victims 1-800-777-9229
Fax (916) 445-3779
<http://www.boc.cahwnet.gov>

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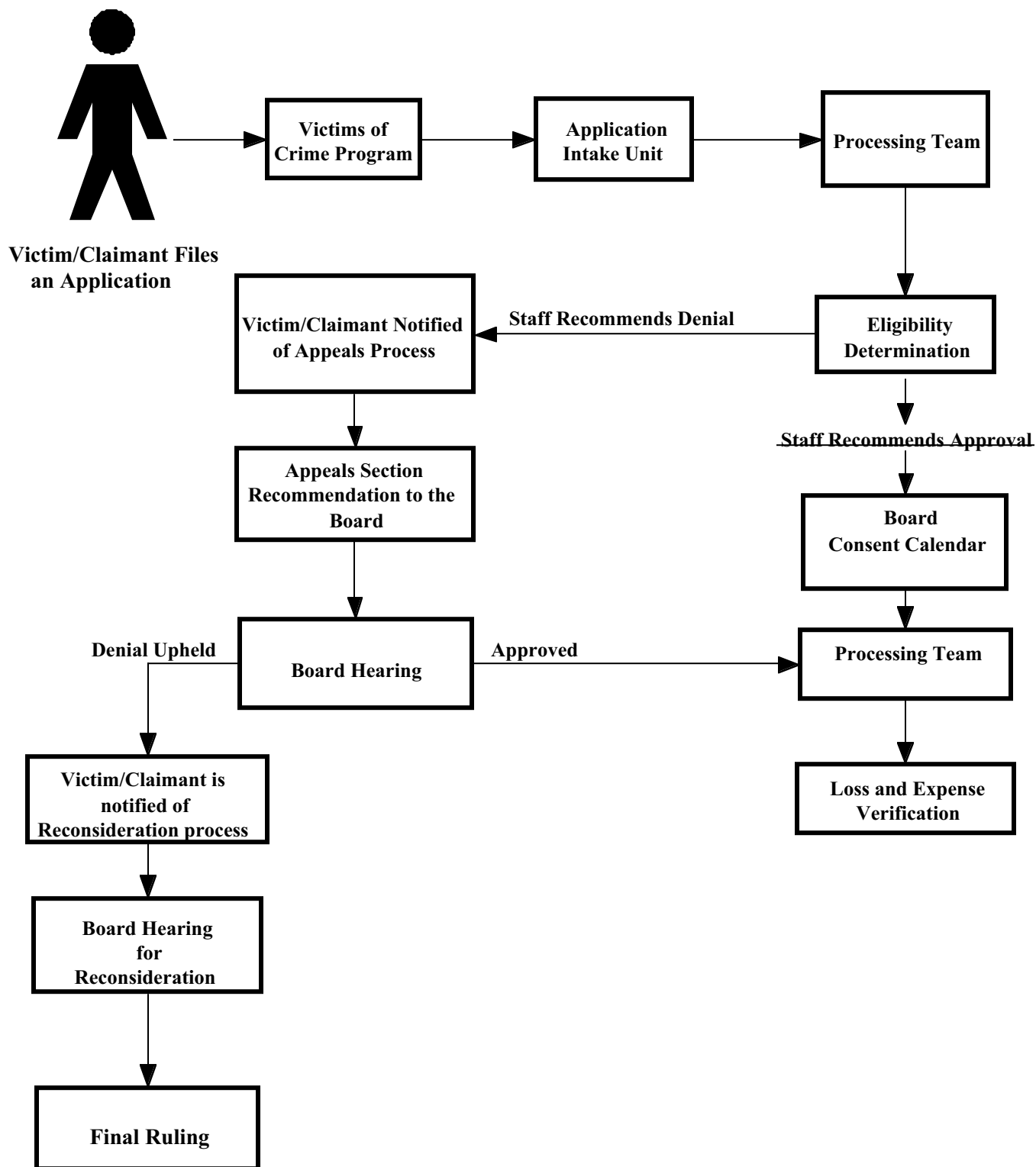
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Board Member

Staff

Tim Eldred
Managing Editor

Writers:
Gail Cogburn
Jennifer Posehn
Liz Cook
Christine Fitzgerald

VOCP ELIGIBILITY DETERMINATION PROCESS



This diagram represents the path a VOCP application will take toward resolution.

U.S. CITIZENSHIP REQUIREMENT

In March of 1998, the Board adopted emergency regulations to implement the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. This federal act requires the termination of state funded public benefits for aliens who are not qualified aliens, nonimmigrant aliens under the Immigration and Nationality Act, or aliens paroled into the United States for less than one year.

PRWORA defines a state public benefit as any grant provided by a state agency or with state appropriated funds. Currently, **only** the following types of claims handled by the Board provide public benefits as defined by PRWORA:

Missing Children

A reward program facilitated by the

Department of Justice that allows the Board to match any reward up to \$500 for individuals who provide information leading to the recovery of a missing child, if that child is listed in the Missing Children Registry.

Good Samaritan

Provides compensation to private citizens for injury, death or damage sustained while preventing the commission of a crime, apprehending a criminal, or rescuing a person in immediate danger of injury or death from fire, drowning or other catastrophe.

The regulations provide that specific categories of aliens are exempt from the U.S. citizenship requirement. It is important to note that PRWORA does not affect VOCP benefits.



“Legislation” continued
the offender of the location of the victim’s new residence, not allow the offender on the premises at any time, or must seek a restraining order against the offender.

Payment for Residential Security

If the crime occurred in the victim’s residence, a cash payment of up to \$1,000 for the expense of installing or increasing residential security may be authorized. Reimbursement shall be made upon verification by law enforcement to be necessary for the personal safety of the victim, or by a mental health treatment provider to be necessary for the emotional well being of the victim. Installing or increasing residential security may include, but need not be limited to, both of the following:

- Home security device or system;
- Replacing or increasing the number of locks.

Renovation of Residence and/or Vehicle

Authorizes payment to a victim who is permanently disabled, whether the disability is partial or total, as a result of the crime, for the expense of renovating or retrofitting his or her residence or vehicle. Payment for these purposes shall not exceed \$5,000, except that the Board may award a greater amount when justified by the disability of the victim. Any payments shall be subject to the following condition:

- The expense is verified to be medically necessary.

Emergency Awards

Allows the Board to delegate authority to grant and

disburse specific Emergency Awards.

Restitution

AB606 also adds the newly created benefits to the list of expenses for which restitution may be ordered pursuant to Section 1202.4 of the Penal Code.



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: **The purpose of this** :
: **publication is to** :
: **provide a forum to** :
: **exchange ideas** :
: **and information.** :
:
: **We welcome your** :
: **comments and** :
: **suggestions.** :
:.....

State Board of Control
Victims of Crime Program
Payments by Crime County from July 1, 1998 through June 30, 1999

Crime County	Amount Paid	Percentage Paid	Number of Claims	Percentage of Claims
Los Angeles	21,097,316.76	32.84	9277	25.94
San Diego	4,633,147.02	7.21	2754	7.70
San Bernardino	3,306,214.80	5.14	1506	4.21
Alameda	3,293,527.71	5.12	1575	4.40
Santa Clara	3,110,910.73	4.84	1947	5.44
Orange	3,061,710.63	4.76	1651	4.61
Sacramento	3,006,824.85	4.68	1625	4.54
Riverside	2,348,011.42	3.65	1464	4.09
Contra Costa	1,765,450.37	2.74	795	2.22
San Francisco	1,520,622.41	2.36	894	2.49
Sonoma	1,257,463.95	1.95	845	2.36
Ventura	1,193,645.86	1.85	684	1.91
San Joaquin	1,165,303.64	1.81	736	2.05
Solano	976,322.07	1.51	579	1.61
San Mateo	941,266.29	1.46	527	1.47
Stanislaus	828,674.26	1.29	471	1.31
Santa Cruz	783,580.47	1.21	580	1.62
Santa Barbara	726,665.77	1.13	521	1.45
San Luis Obispo	665,328.85	1.03	588	1.64
Shasta	627,482.77	0.97	565	1.57
Monterey	623,968.48	0.97	389	1.08
Fresno	567,026.17	0.88	433	1.21
Kern	551,477.89	0.85	438	1.22
Tulare	550,072.45	0.85	475	1.32
Placer	548,240.60	0.85	459	1.28
Merced	442,813.86	0.68	209	0.58
Butte	402,580.42	0.62	412	1.15
El Dorado	389,218.63	0.60	296	0.82
Napa	330,837.51	0.51	231	0.64
Humboldt	321,634.00	0.50	326	0.91
Yolo	291,041.90	0.45	226	0.63
Mendocino	279,760.89	0.43	230	0.64
Marin	271,719.41	0.42	174	0.48
Tehama	259,982.68	0.40	161	0.45
Unknown	216,086.63	0.33	108	0.30
Yuba	205,460.36	0.31	245	0.68
Lake	199,765.44	0.31	183	0.51
Sutter	147,481.72	0.22	149	0.41
Imperial	144,449.38	0.22	58	0.16
Kings	135,074.75	0.21	97	0.27
Madera	123,801.91	0.19	121	0.33
Nevada	122,670.01	0.19	109	0.30
Glenn	101,685.77	0.15	83	0.23
Amador	94,893.55	0.14	86	0.24
Calaveras	80,622.95	0.12	42	0.11
Inyo	78,072.04	0.12	53	0.14
Del Norte	75,205.55	0.11	71	0.19
Tuolumne	70,959.00	0.11	76	0.21
Plumas	63,604.83	0.09	13	0.03
Siskiyou	59,019.58	0.09	53	0.14
San Benito	44,587.82	0.06	46	0.12
Mariposa	30,547.79	0.04	38	0.10
Lassen	30,453.19	0.04	22	0.06
Trinity	29,658.58	0.04	26	0.07
Colusa	15,455.74	0.02	20	0.05
Mono	14,262.10	0.02	9	0.02
Modoc	6,774.90	0.01	4	0.01
Sierra	2,033.60	-	4	0.01
Alpine	572.77	-	2	-
Totals	64,233,045.48	99.70	35,761	99.73

Source: Board's Data Processing System

NEW STREAMLINED MENTAL HEALTH PAYMENT PROCESS

Over the past several months, the Board's Executive Staff have been exploring methods to streamline payment of out-patient mental health bills received by the VOCP and County Joint Powers (JP) Centers. In conjunction with the expansion of the Non-Profit Agreements (NPA's), new procedures were also developed for processing out-patient mental health bills that are **not** currently part of the NPA process.

For **new** applications and **supplemental** billings received on or after September 29, 1999, the new process is as follows:

All new applications will be initially screened by VOCP staff to determine if they meet the following "fast track" criteria:

- The application is complete;
- A crime report was submitted with the application;
- The crime is not a vehicle-related incident;
- There are no reimbursement sources listed (except Medi-Cal);
- No income/support loss is requested;
- There is no government employer listed on the application;
- There are no obvious eligibility issues;
- There are no pending civil suits (already filed or in progress);
- A Mental Health provider is listed (and there is an address and a federal

tax I.D. number listed on the application or bills);

- It is not a work-related crime.

If the application meets the above screening criteria, any out-patient billings in file, provided the bills are properly submitted on a Billing Verification (BV) form, will be processed on a streamlined basis.

New mental health evaluation forms entitled Initial Treatment Plan (ITP) and Extended Treatment Plan (ETP) have been developed to replace the Mental Health Evaluation Forms A and B (MHA and MHB). The ITP provides the diagnostic formulation and the goals, focus and methods of treatment. The ETP provides the progress of the ITP and indicates the primary focus of treatment for the next treatment period.

If the application has a completed ITP **already in file**, VOCP staff will:

- Request verification of Medi-Cal coverage;
- Pre-authorize a maximum payment of \$3,500 or \$4,500, depending on the provider's licensure;
- Make an eligibility determination on the claim.

If a completed ITP is **not already in file**, VOCP staff will:

- Request verification of Medi-Cal coverage;

- Request a completed ITP from the mental health provider listed on claimant's application;
- Pre-authorize payment in the amount of either \$700 or \$900 for individual mental health providers (depending on the provider's licensure) or \$900 for mental health agencies;
- Complete an eligibility determination.

For supplemental out-patient mental health billings received by the Board or County JP Centers, the process is the same as above. Examples of claims or out-patient mental health billings that will **not** be streamlined include:

- Applications where staff is unable to determine if the claim is eligible for the streamlined processing;
- Applications with identified reimbursement sources. These sources include health insurance, HMO coverage, auto insurance, pending civil suits, and workers' compensation;
- Applications that arise due to a vehicle-related incident;
- Claims that meet the Quality Assurance Mental Health (QAMH) transfer criteria.

Mental health therapists currently using MHA's and MHB's may continue using these evaluation forms until January 1, 2000.



VICTIMS OF CRIME RESOURCE CENTER

Each year since 1984, the Victims of Crime Resource Center (Center), located at the University of the Pacific's McGeorge School of Law in Sacramento, has informed thousands of California crime victims about their rights and the many services available to them.

"Many victims don't know where to turn for help"

The Center's cornerstone program is the **1-800-VICTIMS** telephone service, a statewide toll-free information and referral service for crime victims. This program is operated under a grant from the California Office of Criminal Justice Planning. Under attorney supervision, law students provide crime victims with comprehensive information on compensation under California's Victims of Crime Act, rights regarding restitution, access to government sources, victim advocacy groups, counseling, and legal referrals. Victims are also referred to appropriate agencies so that they may apply for various victim services.

Educating the public about victims' rights is a major goal. The Center delivers presentations regarding the rights and role of crime victims in the criminal justice system, government agencies, institutions and educational entities. The Center's staff has participated in conferences and training workshops on crime victims' issues at both the state and national levels.

Recently, counselors **Michael Allen** and **Rochelle Harry** attended the Western Regional Hate Crimes Symposium, which provided strategies for recognizing and preventing hate crime through partnerships between law enforcement, schools, and the community at large.

The Center's Program Director **Jeanne Benvenuti** and Chief Counselor **Don Sherman** regularly give presentations on various victims' rights issues, including

restitution and elder abuse. In December, counselor **Christine Fitzgerald** will participate in a Sacramento health care conference with over 175 caretakers.

Upon request, the Center performs special research for other victims' service providers. In the past, research topics have

included statutory requirements for how a judge must order restitution, parental rights where one of the parents is a perpetrator, and the process by which a minor may obtain a restraining order against another minor.

The Center also produces and distributes a wide variety of publications of interest to victims and those who work with victims. *The Rights of Crime Victims in California*, a Center produced brochure, is widely used by law enforcement and victim organizations throughout California.

A newsletter, *Victims News and Views*, that contains staff written articles on victims' issues as well as legislative summaries, is also distributed statewide to more than 2,000 organizations, agencies and individuals.

Materials produced by state and federal agencies are also distributed by the Center. The materials cover subjects such as crime prevention, domestic violence, sexual assault, and how to use California's small claims courts.

Crime victims often suffer mental anguish, physical injury, financial hardship, and legal problems as a result of the crime, but the criminal justice system sometimes fails to recognize these problems. Unless victims get this assistance, their victimization can continue long after the crime has been committed. The Center's **1-800 VICTIMS** service can help fill this information gap.



**Number and Amount of Claims Paid by Crime Category from
July 1, 1998 through June 30, 1999**

Crime Category	Dollars Paid	% Paid	Number of Claims	% of Claims
Assault	24,398,367.11	37.98	11,263	31.49
Homicide	9,757,475.00	15.19	3,722	10.40
Adult Sexual Assault	2,918,403.48	4.54	2,392	6.68
Child Abuse	19,415,538.73	30.22	15,022	42.00
DWI/DUI	1,539,100.17	2.39	473	1.32
Other Vehicular Crimes	2,123,491.84	3.30	645	1.80
Robbery	2,879,506.66	4.48	1,426	3.98
Kidnapping	289,864.39	0.45	207	0.57
Arson	80,303.47	0.12	16	0.04
Other Crimes	830,994.63	1.29	595	1.66
Total	64,233,045.48	99.96	35,761	99.94

Source: Board's Data Processing System